

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
SEPTEMBER 21, 1999 - 7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Faust, Hovland, Johnson, and Mayor Maetzold. Member Kelly entered the meeting at 7:10 P.M.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Hovland and seconded by Member Johnson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Maetzold

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 1999, APPROVED** Motion made by Member Hovland and seconded by Member Johnson approving the Minutes of the September 7, 1999 Regular Council Meeting.

Motion carried on rollcall vote - four ayes.

**PRELIMINARY PLAT FOR JMS ADDITION TO EDINA (5233 RICHWOOD DRIVE)**  
**APPROVED** Affidavits of Notice were presented, approved and ordered placed on file.

**Presentation by Planner**

Planner Larsen explained the subject property is a developed single dwelling lot measuring 39,029 square feet in area. The proposed subdivision would split off the northerly portion of the property to create one new buildable lot. The existing dwelling would remain.

He noted the new lot would meet all Edina Subdivision Ordinance requirements for the neighborhood median average as follows;

<u>500 Foot Neighborhood</u>		
	Lot Width	Lot Depth
	90 feet	140 feet
		12,816 sf
<u>Proposed Lots</u>		
Lot 1	103 feet	161 feet
		19,595 sf
Lot 2	104 feet	160 feet
		19,434 sf

Both lots exceed median averages for lot width, lot depth and lot area. He concluded that no variances are needed.

Mr. Larsen said that both lots contain a low, water collection area in the rear yard that periodically contain standing water. He said that when the Richmond Hills subdivision was designed in 1950, the rear portion of this and the adjacent lot were to be developed into a storm water pond. The pond was never developed, but the area still serves as a drainage area for the neighborhood. Mr. Larsen said that in order to insure adequate storm water capacity, much of the rear yard will need to be subject to a drainage easement similar to the lot to the

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north. He concluded stating the Planning Commission recommends approval of the preliminary plat with three conditions: 1) Final Plat; 2) Subdivision Dedication; and 3) Drainage Easement.

Mayor Maetzold called for public comment. No one appeared to speak.

**Member Kelly made a motion, seconded by Member Johnson to close the public hearing at 7:35 p.m.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**Member Johnson made a motion introducing the following resolution and moving its adoption:**

**RESOLUTION  
GRANTING PRELIMINARY PLAT  
APPROVAL TO JMS ADDITION**

**BE IT RESOLVED** by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "JMS ADDITION", platted by Jeff and Nancy Schoenwetter, and presented at the regular meeting of the City Council on September 21, 1999, be and is hereby granted preliminary plat approval with three conditions: Final Plat approval, Subdivision Dedication, and the granting of a drainage easement as approved by the City Engineer..

**Passed this 21<sup>st</sup> day of September, 1999.**

Member Hovland seconded the motion.

Rollcall:

Aye: Faust, Hovland, Johnson, Kelly, Maetzold  
Resolution adopted.

**\*BID AWARDED FOR MUNICIPAL FACILITIES WASTE AND RECYCLING CONTRACT** Motion made by Member Hovland and seconded by Member Johnson for award of bid for municipal facilities waste and recycling contract for one year, 2000, to recommended low bidder, Aspen Waste Systems. Inc., at \$25,749.71.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR ONE TON CAB AND CHASSIS TRUCK** Motion made by Member Hovland and seconded by Member Johnson for award of bid for one ton cab and chassis truck to sole bidder, Falls Automotive under State Contract #420857 at \$24,500.00.

Motion carried on rollcall vote - four ayes.

**TRAFFIC SAFETY REPORT OF SEPTEMBER 7, 1999, APPROVED; SECTION A.1 AMENDED** Coordinator Bongaarts explained that a request had been received to change the 24 hour NO TURN ON RED at west 70<sup>th</sup> Street and Cornelia Drive to less restrictive hours. The requestor felt there was an unnecessary delay of vehicles making turns at West 70<sup>th</sup> Street and Cornelia Drive when school is not in session and at times when there is little pedestrian traffic.

The subject intersection is a major school crossing area for Cornelia School. West 70<sup>th</sup> Street has a daily average traffic volume of 18,000 vehicles. Cornelia Drive has a daily average traffic volume of 1200 vehicles to the north of the intersection and 2300 vehicles to the south. The principal at Cornelia School was contacted regarding this request. He had no problems with the request as long as it remained NO TURN ON RED during school hours of 7:00 A.m. to 3:30 P.M.

A representative of the parents and residents from the area was contacted. They submitted a petition signed by 48 property owners stating they oppose any change to the present restrictions at West 70<sup>th</sup> Street and Cornelia Drive.

Staff discussed the concern, and recommended the restrictions for NO TURN ON RED at the intersection of West 70<sup>th</sup> Street and Cornelia Drive be for the hours of 7:00 A.M. to 9:00 P.M. only, thereby allowing cars to make right turns on red between the hours of 9:00 P.M. and 7:00 A.M.

Gail Pappas, 4500 Dunberry Lane, submitted a letter in disagreement over the potential removal of the NO RIGHT TURN ON RED signs at West 70<sup>th</sup> and Cornelia Drive.

Paul Green, 6945 Southdale Road, stated he is a 20 year resident of the area. He believes that, 1) traffic accidents with bikes are on the rise and children should receive more bike training, 2) more kids die from balloons than from cars, 3) not many children in neighborhood, 4) he has monitored neighborhood and noted children playing in the park were driven to the park and 5) placing another sign in the intersection will not solve anything.

The Council discussed the issue and their consensus was that leaving the sign as it is was the safest option at this time. **Member Kelly made a motion amending the Traffic Safety Section A.1. leaving the NO TURN ON RED sign at the intersection of West 70<sup>th</sup> Street and Cornelia Drive as it is.** Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Member Kelly made a motion approving Section B and Section C.** Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*RESOLUTION APPROVED APPOINTING DAVID VELDE AND GORDON HUGHES AS AGENTS OF THE COMMUNITY HEALTH BOARD** Motion made by Member Hovland and seconded by Member Johnson introducing the following resolution:

**RESOLUTION APPOINTING AGENTS OF THE  
EDINA COMMUNITY HEALTH BOARD**

**BE IT RESOLVED** by the City Council (Community Health Board) of the City of Edina , Minnesota, pursuant to its authority under Minnesota Statutes, Chapter 145A, that it hereby appoints and authorizes the following persons to act on the Boards behalf and bind the Board for the following purposes:

To serve as the Board's agent in communicating with the Commissioner of Health between Board meetings, including receiving information from the Commissioner and disseminating that information to the Board, as well as providing information to the Commissioner on the Board's behalf (Minn. Stat. 145A.04, Subd.2).

Name: David A. Velde  
Address: 4801 West 50<sup>th</sup> Street  
Edina, MN 55424-1394  
Phone: (612) 826-0370  
FAX: (612) 826-0390

To sign and submit to the Commissioner the prepared Community Health Plan and revisions to the plan, and activity reports submitted according to Minn. Stats. 145A-10, Subd. 5, 6, and 8.

Name: David A. Velde

To sign and submit to the Commissioner the Board's annual budget, revisions to the budget and expenditure reports submitted according to Minn. Stats. 145A.10, Subd. 6 ad 8.

Name: David A. Velde

To sign and submit on behalf of the Board, delegation agreements with the Commissioner of Health according to Minn. Stats. 145A.07, Subd.1.

Name: Gordon L. Hughes  
Address: 4801 West 50<sup>th</sup> Street  
Edina, MN 55424-1394  
Phone: (612) 826-0401  
FAX: (612) 826-0390

Adopted this 21<sup>st</sup> day of September 1999.

Motion carried on rollcall vote - four ayes.

\*HEARING DATE SET OF NOVEMBER 1, 1999, FOR AMENDMENT TO CONSERVATION RESTRICTION AND UTILITY VACATION FOR 5811 VERNON LANE Motion made by Member Hovland and seconded by Member Johnson approving the following resolution:

RESOLUTION CALLING  
PUBLIC HEARING ON AMENDMENT TO CONSERVATION  
RESTRICTION AND VACATION OF PUBLIC DRAINAGE  
AND UTILITY EASEMENT FOR  
5811 VERNON LANE

BE IT RESOLVED BY THE City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 42.348. Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 5<sup>th</sup> day of October, for the purpose of holding a public hearing on whether such conservation restriction amendment and vacation shall be made in the interest of the public.

(Official Publication)  
CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET

**NOTICE OF PUBLIC HEARING ON  
AMENDMENT TO CONSERVATION RESTRICTION AND  
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT  
5811 VERNON LANE  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50<sup>th</sup> Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

**BY ORDER OF THE EDINA CITY COUNCIL**

**Debra Mangen, City Clerk**

**Adopted this 21<sup>st</sup> day of September, 1999.**

Motion carried on rollcall vote - four ayes.

**CORRESPONDENCE RECEIVED REGARDING 70<sup>TH</sup> AND CAHILL** Manager Hughes explained on September 7, 1999, he received a letter from Sandy Fox requesting improvements to the 70<sup>th</sup> and Cahill area. Ms. Fox requested the City consider a public improvement project in the area, noting that TIF funds are now available for such a project but may not be available shortly.

Mr. Hughes stated staff would investigate the feasibility of a project at 70<sup>th</sup> & Cahill if the Council wanted to check on the feasibility. He added that certain facts should be considered:

- The 70<sup>th</sup> and Cahill TIF district presently has an unappropriated balance of about \$500,000. However, no additional increments will be collected after April 2000.
- The district was established in 1990 along with districts at Valley View/Wooddale and 44<sup>th</sup> and France. The three TIF districts were formed under the umbrella of a single development district. Therefore, increments generated from any of the three TIF districts could be used anywhere within the development district. Due to a quirk in the 1990 TIF laws, the Wooddale/Valley View and the 44<sup>th</sup> and France districts immediately decertified and, therefore, no increments were collected. The 70<sup>th</sup> and Cahill increments were collected and may be used at Wooddale/Valley View or 44<sup>th</sup> and France if the Council desires.
- Although the TIF district expires in April 2000, this date does not represent a deadline by which collected increments must be spent under current law.
- The TIF law changes which are effective on January 1, 2000, relate to parks and cultural and recreational facilities. In staff's opinion, other types of projects such as streetscape improvements are not affected by the year-end deadlines.
- Staff has been pursuing the possibility of a small redevelopment project in the Valley View/Wooddale area. The project would likely result in property acquisitions financed with the 70<sup>th</sup> and Cahill TIF. Due to the limited funds available, it would be unlikely that the Valley View/Wooddale project, and the 70<sup>th</sup> and Cahill project, could both be financed through TIF.

Mr. Hughes said that staff could be back in four to six weeks possibly with an agreement with the property owners at Valley View/Wooddale. Then the funding can be reviewed to ascertain if enough is available for both areas.

Sandy Fox, 5801 West 68<sup>th</sup> Street, commented that the Wooddale project sounds like a more comprehensive project. Mr. Hughes said really the 70<sup>th</sup> and Cahill area is a more comprehensive project. The Valley View/Wooddale is more a single property focus.

No Council action was taken.

**CONCERNS OF RESIDENTS EXPRESSED** Robert Campbell, 6300 Waterman Avenue, explained he had requested being on the Council Agenda when the issue of Waterman Avenue was a hotly contested issue. The issue presently has been diffused somewhat but he decided to attend the Council meeting any way. He gave background that Interlachen Country Club purchased a home in the neighborhood. He received a letter from the Country Club, reassuring the neighborhood that the Club wishes to be a good neighbor. He stated his distrust of the Club's intentions because of their previous history. The Club Manager stated his wish that the home be used as a dormitory for seasonal help. After discussing the issue with the City Planner, the Code states employees of churches and golf courses can live on the property. He voiced concern that the golf course is sprawling into the neighborhood.

Karen Contag, 6304 Waterman, stated she is a new resident of the neighborhood. The neighborhood is a quiet and stable. She voiced concern that the Club would raze the home and install a parking lot. It is important that it remain a quiet and stable place with just local traffic.

Mr. Hughes explained Interlachen Country Club cannot be stopped from buying more property but the type of use could be more tightly regulated.

Member Faust inquired if a Country Club buys a house and uses it as a residence as a rental, does the City have a right to regulate that use if it is not considered part of the golf course. Mr. Hughes commented it would be similar to a church owning a parsonage. Member Faust asked if it would be considered part of the Club or a residence owned by the Club. Attorney Gilligan said it would depend on how it is used. If an employee of the Club were allowed to live there with their family, it would be viewed as a permitted use. If used for seasonal employees as a dormitory, that would be an accessory use and subject to a 50 foot setback.

Mayor Maetzold inquired what would happen if the Club continued to buy up homes and expand. Would this be permitted under current zoning. Mr. Hughes answered yes.

Member Hovland has always wondered how the Club can access the back of their property through Waterman. Mr. Hughes said they enjoy frontage on a street as any other property owner does.

Mr. Campbell said the back access previously was on Maloney Avenue. He said the listing realtor of the property said the residence would not be used as a dormitory but there is no guarantee. She said they may tear the home down in a couple years but there is no guarantee. The Club is very non-committal of the homes use. He voiced concern with variances being given and the abuse of those variances. The Club states they want to be a good neighbor but he listed a variety of abuses the neighbors endure.

Mayor Maetzold asked for 1) examination of any Code violations by the Country Club and 2) consideration of amending the zoning ordinance specifically in the R-1 area.

Member Faust asked if the 50 foot setback from a golf course wouldn't be taken care of as far as using the home as a rooming house. Mr. Hughes stated that would be the view of staff.

No Council action was taken.

**RESIDENT CONCERN EXPRESSED** Roberta Costellano, voiced concern with cats running loose in her neighborhood. She explained in detail issues she has personally experienced with neighbor's cats. Ms. Costellano informed the Council that the City of St. Cloud had an ordinance governing cats. She requested the Council consider enacting an ordinance that would place the same responsibilities upon the owners of cats as current code does with

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dogs. Mayor Maetzold thanked Ms. Costellano for voicing her concern and referred the issue to City staff for review.

**BOARD AND COMMISSION MEETINGS DISCUSSED** Mayor Maetzold said he felt the Council should once again meet on a regular basis with all of their boards, committees, and commissions. He indicated that this helps the Council hear concerns and the boards, committees and commissions to have a greater understanding of the City's vision. Mayor Maetzold suggested that if Council concurred, after the first of the year, work sessions could be set up by staff at 6:00 p.m. Consensus was to begin scheduling such meetings and also including the Edina School Board of Education.

**CLAIMS PAID** Motion made by Member Kelly approving payment of the following claims as shown in detail on the Check Register dated September 15, 1999, and consisting of 31 pages: General Fund \$165,289.60; C.D.B.G. \$30.00; Working Capital \$150,827.16; Art Center \$5,652.07; Golf Dome Fund \$353.25; Swimming Pool Fund \$8,487.87; Golf Course Fund \$34,176.02; Ice Arena Fund \$3,056.78; Edinborough/Centennial Lakes \$16,089.17; Utility Fund \$38,238.70; Storm Sewer Utility Fund \$2,620.47; Recycling Program \$35,092.44; Liquor Dispensary Fund \$226,469.21; Construction Fund \$378,870.83; Park Bond Fund \$1,537.80; TOTAL \$1,066,791.37; and for confirmation of payment of the following claims as shown in detail on the Check Register dated September 14, 1999, and consisting of 3 pages: General Fund \$378,218.26; Communications \$1,190.54; Working Capital \$179.90; Art Center \$600.00; Golf Dome Fund \$1,499.14; Ice Arena Fund \$46.02; Utility Fund \$20,478.42; Liquor Dispensary Fund \$100,169.28; TOTAL \$502,381.56. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 9:10 P.M.

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City Clerk